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**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:09-cv-01713-RMC**

NATIONAL COMMITTEE TO FREE THE CUBAN FIVE v.  
BROADCASTING BOARD OF GOVERNORS

Assigned to: Judge Rosemary M. Collyer  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/09/2009  
Date Terminated: 09/16/2010  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**NATIONAL COMMITTEE TO FREE  
THE CUBAN FIVE**

represented by **Carl L. Messineo**  
PARTNERSHIP FOR CIVIL JUSTICE  
FUND  
617 Florida Avenue, NW  
Washington, DC 20001  
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Fax: (202) 350-9557  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Mara E. Verheyden-Hilliard**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**BROADCASTING BOARD OF  
GOVERNORS**

represented by **Carl Ezekiel Ross**  
U.S. ATTORNEY'S OFFICE  
Civil Division  
555 Fourth Street, NW  
Washington, DC 20530  
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Fax: (202) 514-8780  
Email: carl.ross@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
09/09/2009	<a href="#"><u>1</u></a>	COMPLAINT against BROADCASTING BOARD OF GOVERNORS ( Filing fee \$ 350, receipt number 4616023804) filed by NATIONAL COMMITTEE TO FREE THE CUBAN FIVE. (Attachments: # <a href="#"><u>1</u></a> Civil Cover Sheet)(rdj) (Entered: 09/10/2009)
09/09/2009		SUMMONS (3) Issued as to BROADCASTING BOARD OF GOVERNORS, U.S. Attorney and U.S. Attorney General (rdj) (Entered: 09/10/2009)
10/01/2009	<a href="#"><u>2</u></a>	NOTICE of Appearance by Carl Ezekiel Ross on behalf of BROADCASTING BOARD OF GOVERNORS (Ross, Carl) (Entered: 10/01/2009)
10/07/2009	<a href="#"><u>3</u></a>	SUMMONS Returned Executed by NATIONAL COMMITTEE TO FREE THE CUBAN FIVE. BROADCASTING BOARD OF GOVERNORS served on 9/14/2009, answer due 10/14/2009. (Messineo, Carl) (Entered: 10/07/2009)
10/07/2009	<a href="#"><u>4</u></a>	SUMMONS Returned Executed by NATIONAL COMMITTEE TO FREE THE CUBAN FIVE. (Messineo, Carl) (Entered: 10/07/2009)

10/07/2009	<a href="#">5</a>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General 9/14/2009. (Messineo, Carl) (Entered: 10/07/2009)
10/14/2009	<a href="#">6</a>	MOTION for Extension of Time to File Answer re <a href="#">1</a> Complaint by BROADCASTING BOARD OF GOVERNORS (Attachments: # <a href="#">1</a> Text of Proposed Order)(Ross, Carl) (Entered: 10/14/2009)
10/14/2009	<a href="#">7</a>	Memorandum in opposition to re <a href="#">6</a> MOTION for Extension of Time to File Answer re <a href="#">1</a> Complaint filed by NATIONAL COMMITTEE TO FREE THE CUBAN FIVE. (Attachments: # <a href="#">1</a> Ex. 1 - March 19, 2009 Letter to BBG, # <a href="#">2</a> Ex. 2 - March 31, 2009 Letter to BBG, # <a href="#">3</a> Ex. 3 - June 26, 2009 Letter to Diaz-Ortiz, # <a href="#">4</a> Ex. 4 - July 16, 2009 Letter to Diaz-Ortiz, # <a href="#">5</a> Text of Proposed Order)(Miller, Radhika) (Entered: 10/14/2009)
10/16/2009		MINUTE ORDER granting <a href="#">6</a> Defendant's Motion for Extension of Time nunc pro tunc to October 15, 2009. It is hereby ORDERED that Defendant shall file an answer or other response to the Complaint no later than November 30, 2009. Signed by Judge Rosemary M. Collyer on 10/16/09. (lcrmc1) (Entered: 10/16/2009)
10/16/2009		Set/Reset Deadlines: Answer to complaint due by 11/30/2009. (cdw) (Entered: 10/19/2009)
11/30/2009	<a href="#">8</a>	MOTION for Extension of Time to File Answer by BROADCASTING BOARD OF GOVERNORS (Attachments: # <a href="#">1</a> Text of Proposed Order)(Ross, Carl) (Entered: 11/30/2009)
12/01/2009	<a href="#">9</a>	Memorandum in opposition to re <a href="#">8</a> MOTION for Extension of Time to File Answer filed by NATIONAL COMMITTEE TO FREE THE CUBAN FIVE. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Messineo, Carl) (Entered: 12/01/2009)
12/01/2009		MINUTE ORDER granting <a href="#">8</a> Motion for Extension of Time nunc pro tunc to November 30, 2009. It is hereby ORDERED that Defendant BROADCASTING BOARD OF GOVERNORS shall file a response to the Complaint no later than December 11, 2009. Signed by Judge Rosemary M. Collyer on 12/1/09. (lcrmc1) (Entered: 12/01/2009)
12/01/2009		Set/Reset Deadlines/Hearings: Answer to complaint due by 12/11/2009. (cdw) (Entered: 12/02/2009)
12/11/2009	<a href="#">10</a>	ANSWER to <a href="#">1</a> Complaint by BROADCASTING BOARD OF GOVERNORS.(Ross, Carl) (Entered: 12/11/2009)

01/04/2010	<a href="#">1</a> <a href="#">1</a>	MOTION to Strike <a href="#">10</a> Answer to Complaint <i>Plaintiff's Motion to Strike Improper Request to Dismiss Contained Within Defendant's Answer to Plaintiff's Complaint</i> by NATIONAL COMMITTEE TO FREE THE CUBAN FIVE (Attachments: # <a href="#">1</a> Text of Proposed Order)(Miller, Radhika) (Entered: 01/04/2010)
01/20/2010	<a href="#">1</a> <a href="#">2</a>	Memorandum in opposition to re <a href="#">11</a> MOTION to Strike <a href="#">10</a> Answer to Complaint <i>Plaintiff's Motion to Strike Improper Request to Dismiss Contained Within Defendant's Answer to Plaintiff's Complaint</i> MOTION to Strike <a href="#">10</a> Answer to Complaint <i>Plaintiff's Motion to Strike Improper Request to Dismiss Contained Within Defendant's Answer to Plaintiff's Complaint</i> filed by BROADCASTING BOARD OF GOVERNORS. (Attachments: # <a href="#">1</a> Exhibit A)(Ross, Carl) (Entered: 01/20/2010)
01/22/2010		MINUTE ORDER denying <a href="#">11</a> Plaintiff's Motion to Strike. The parties are ORDERED to file a joint proposed dispositive motions briefing schedule no later than February 5, 2010. Signed by Judge Rosemary M. Collyer on 1/22/10. (lcrmc1) (Entered: 01/22/2010)
01/22/2010		Set/Reset Deadlines/Hearings: Joint Proposed Briefing Schedule due by 2/5/2010. (cdw) (Entered: 01/27/2010)
02/05/2010	<a href="#">1</a> <a href="#">3</a>	Joint MOTION Briefing Schedule by BROADCASTING BOARD OF GOVERNORS (Attachments: # <a href="#">1</a> Text of Proposed Order)(Ross, Carl) (Entered: 02/05/2010)
02/17/2010		MINUTE ORDER granting <a href="#">13</a> Joint Motion for Briefing Schedule. The parties shall file dispositive motions no later than March 8, 2010; oppositions to dispositive motions shall be due no later than March 26, 2010; and any replies shall be filed no later than April 9, 2010. Signed by Judge Rosemary M. Collyer on 2/17/10. (lcrmc1) (Entered: 02/17/2010)
02/17/2010		Set/Reset Deadlines/Hearings: Dispositive Motions due by 3/8/2010. Response to Dispositive Motions due by 3/26/2010. Reply to Dispositive Motions due by 4/9/2010. (cdw) (Entered: 02/18/2010)
03/04/2010	<a href="#">1</a> <a href="#">4</a>	Consent MOTION for Extension of Time to <i>File Dispositive Motions</i> by BROADCASTING BOARD OF GOVERNORS (Attachments: # <a href="#">1</a> Text of Proposed Order)(Ross, Carl) (Entered: 03/04/2010)

03/08/2010		MINUTE ORDER granting <a href="#">14</a> Consent Motion for Extension of Time. The motion for extension of time to file dispositive motions is granted; however, the Court will alter its previous Order as follows: Defendant shall file its dispositive motion no later than March 16, 2010; Plaintiff shall file its opposition to Defendant's dispositive motion and its own cross dispositive motion no later than April 5, 2010; Defendant shall file any reply re its dispositive motion and any opposition to Plaintiff's dispositive motion no later than April 19, 2010; and Plaintiff shall file any reply re its dispositive motion no later than May 3, 2010. Signed by Judge Rosemary M. Collyer on 3/8/10. (lcrmc1) (Entered: 03/08/2010)
03/08/2010		Set/Reset Deadlines/Hearings: Defendant's Dispositive Motion due by 3/16/2010. Response to Dispositive Motions due by 4/5/2010. Reply to Dispositive Motions due by 4/19/2010. Plaintiff's Cross Dispositive Motion due by 4/5/2010. Response to Cross Dispositive Motion due by 4/19/2010. Reply to Cross Dispositive Motion due by 5/3/2010. (cdw) (Entered: 03/09/2010)
03/16/2010	<a href="#">1</a> <a href="#">5</a>	Consent MOTION for Extension of Time to File <i>Defendant's Dispositive Motion</i> by BROADCASTING BOARD OF GOVERNORS (Attachments: # <a href="#">1</a> Text of Proposed Order)(Ross, Carl) (Entered: 03/16/2010)
03/16/2010		MINUTE ORDER granting <a href="#">15</a> Consent Motion for Extension of Time. Defendant shall file its dispositive motion no later than March 19, 2010. Signed by Judge Rosemary M. Collyer on 3/16/10. (lcrmc1) (Entered: 03/16/2010)
03/16/2010		Set/Reset Deadlines/Hearings: Defendant's Dispositive Motion due by 3/19/2010. (cdw) (Entered: 03/18/2010)
03/19/2010	<a href="#">1</a> <a href="#">6</a>	MOTION for Summary Judgment by BROADCASTING BOARD OF GOVERNORS (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Text of Proposed Order)(Ross, Carl) (Entered: 03/19/2010)
04/01/2010	<a href="#">1</a> <a href="#">7</a>	Consent MOTION for Extension of Time to File Response/Reply as to <a href="#">16</a> MOTION for Summary Judgment <i>and plaintiff's Cross Dispositive Motion</i> by NATIONAL COMMITTEE TO FREE THE CUBAN FIVE (Attachments: # <a href="#">1</a> Text of Proposed Order)(Miller, Radhika) (Entered: 04/01/2010)
04/02/2010		MINUTE ORDER granting <a href="#">17</a> Plaintiff's Consent Motion for Extension of Time. Plaintiff shall file its opposition and cross motion no later than April 9, 2010. Signed by Judge Rosemary M. Collyer on 4/2/10. (lcrmc2) (Entered: 04/02/2010)
04/02/2010		Set/Reset Deadlines/Hearings: Plaintiff's Cross Motion and Response due by 4/9/2010. (cdw) (Entered: 04/07/2010)

04/09/2010	<a href="#"><u>1</u></a> <a href="#"><u>8</u></a>	Cross MOTION for Summary Judgment by NATIONAL COMMITTEE TO FREE THE CUBAN FIVE (Attachments: # <a href="#"><u>1</u></a> Text of Proposed Order, # <a href="#"><u>2</u></a> Statement of Facts, # <a href="#"><u>3</u></a> Attachment A - Spreadsheet of Specific Contracts, # <a href="#"><u>4</u></a> Attachment B - Declaration of Gloria La Riva, # <a href="#"><u>5</u></a> Ex. 1 - January 23, 2009 FOIA request, # <a href="#"><u>6</u></a> Ex. 2 - January 27, 2009 La Riva Email, # <a href="#"><u>7</u></a> Ex. 3 - February 28, 2009 Letter, # <a href="#"><u>8</u></a> Ex. 4 - March 11, 2009 Letter and Chart, # <a href="#"><u>9</u></a> Ex. 4a - March 11, 2009 Email, # <a href="#"><u>10</u></a> Ex. 5 - March 17, 2009 Chart, # <a href="#"><u>11</u></a> Ex. 5a - March 17, 2009 Email, # <a href="#"><u>12</u></a> Ex. 6 - March 19, 2009 Letter, # <a href="#"><u>13</u></a> Ex. 7 - March 31, 2009 Letter, # <a href="#"><u>14</u></a> Exhibit 8 - May 4, 2009 Appeal, # <a href="#"><u>15</u></a> Ex. 9 - June 3, 2009 Estimation of Costs and Letter, # <a href="#"><u>16</u></a> Ex. 10 - June 3, 2009 Response to Appeal, # <a href="#"><u>17</u></a> Ex. 11 - June 26, 2009 Second Appeal, # <a href="#"><u>18</u></a> Ex. 11-1, # <a href="#"><u>19</u></a> Ex. 11-2, # <a href="#"><u>20</u></a> Ex. 11-3, # <a href="#"><u>21</u></a> Ex. 11-4, # <a href="#"><u>22</u></a> Ex. 11-5, # <a href="#"><u>23</u></a> Ex. 11-6, # <a href="#"><u>24</u></a> Ex. 11-7, # <a href="#"><u>25</u></a> Ex. 11-8, # <a href="#"><u>26</u></a> Ex. 11-9, # <a href="#"><u>27</u></a> Ex. 11-10, # <a href="#"><u>28</u></a> Ex. 11-11, # <a href="#"><u>29</u></a> Ex. 12 - June 26, 2009 Letter to Diaz-Ortiz, # <a href="#"><u>30</u></a> Ex. 113 - July 15, 2009 Letter, # <a href="#"><u>31</u></a> Ex. 14 - July 16, 2009 Letter, # <a href="#"><u>32</u></a> Ex. 15 - July 27, 2009 Letter, # <a href="#"><u>33</u></a> Ex. 16 - May 26, 2009 Diaz-Ortiz Memo, # <a href="#"><u>34</u></a> Ex. 17 - Search results printout)(Miller, Radhika) (Entered: 04/09/2010)
04/09/2010	<a href="#"><u>1</u></a> <a href="#"><u>9</u></a>	Memorandum in opposition to re <a href="#"><u>16</u></a> MOTION for Summary Judgment filed by NATIONAL COMMITTEE TO FREE THE CUBAN FIVE. (Attachments: # <a href="#"><u>1</u></a> Text of Proposed Order, # <a href="#"><u>2</u></a> Statement of Facts, # <a href="#"><u>3</u></a> Attachment A - Spreadsheet identifying contracts, # <a href="#"><u>4</u></a> Attachment B - Declaration of Gloria La Riva, # <a href="#"><u>5</u></a> Ex. 1 - January 23, 2009 FOIA request, # <a href="#"><u>6</u></a> Ex. 2 - January 27, 2009 La Riva Fax, # <a href="#"><u>7</u></a> Ex. 3 - February 28, 2009 Letter, # <a href="#"><u>8</u></a> Ex. 4 - March 11, 2009 Letter and Chart, # <a href="#"><u>9</u></a> Ex. 4a - March 11, 2009 Transmittal Email, # <a href="#"><u>10</u></a> Ex. 5 - March 17, 2009 Chart, # <a href="#"><u>11</u></a> Ex. 5a - March 17, 2009 Email, # <a href="#"><u>12</u></a> Ex. 6 - March 19, 2009 Letter, # <a href="#"><u>13</u></a> Ex. 7 - March 31, 2009 Letter, # <a href="#"><u>14</u></a> Ex. 8 - May 4, 2009 Appeal, # <a href="#"><u>15</u></a> Ex. 9 - June 3, 2009 Estimation of Costs and Letter, # <a href="#"><u>16</u></a> Ex. 10 - June 3, 2009 Response to Appeal, # <a href="#"><u>17</u></a> Ex. 11 - June 26, 2009 Second Appeal, # <a href="#"><u>18</u></a> Ex. 11-1, # <a href="#"><u>19</u></a> Ex. 11-2, # <a href="#"><u>20</u></a> Ex. 11-3, # <a href="#"><u>21</u></a> Ex. 11-4, # <a href="#"><u>22</u></a> Ex. 11-5, # <a href="#"><u>23</u></a> Ex. 11-6, # <a href="#"><u>24</u></a> Ex. 11-7, # <a href="#"><u>25</u></a> Ex. 11-8, # <a href="#"><u>26</u></a> Ex. 11-9, # <a href="#"><u>27</u></a> Ex. 11-10, # <a href="#"><u>28</u></a> Ex. 11-11, # <a href="#"><u>29</u></a> Ex. 12 - June 26, 2009 Letter to Diaz-Ortiz, # <a href="#"><u>30</u></a> Ex. 13 - July 15, 2009 Letter, # <a href="#"><u>31</u></a> Ex. 14 - July 16, 2009 Letter, # <a href="#"><u>32</u></a> Ex. 15 - July 27, 2009 Letter, # <a href="#"><u>33</u></a> Ex. 16 - May 26, 2009 Diaz-Ortiz Memo, # <a href="#"><u>34</u></a> Ex. 17 - Printout of search results)(Miller, Radhika) (Entered: 04/09/2010)
04/13/2010	<a href="#"><u>2</u></a> <a href="#"><u>0</u></a>	Consent MOTION for Extension of Time to File Response/Reply by BROADCASTING BOARD OF GOVERNORS (Attachments: # <a href="#"><u>1</u></a> Text of Proposed Order)(Ross, Carl) (Entered: 04/13/2010)
04/13/2010		MINUTE ORDER granting <a href="#"><u>20</u></a> Consent Motion for Extension of Time. Defendant shall file its opposition and reply no later than May 6, 2010. Plaintiff shall file any reply to its cross-motion no later than May 20, 2010. No further extensions shall be granted. Signed by Judge Rosemary M. Collyer on 4/13/10.(lcrmc1) (Entered: 04/13/2010)
04/13/2010		Set/Reset Deadlines/Hearings: Defendant's Response to Cross Motion due by 5/6/2010. Plaintiff's Reply to Cross Motions due by 5/20/2010. Defendant's Reply to Motion for Summary Judgment due by 5/6/2010. (cdw) (Entered: 04/15/2010)

05/06/2010	<a href="#"><u>2</u></a> <a href="#"><u>1</u></a>	Memorandum in opposition to re <a href="#"><u>18</u></a> Cross MOTION for Summary Judgment filed by BROADCASTING BOARD OF GOVERNORS. (Attachments: # <a href="#"><u>1</u></a> Statement of Facts)(Ross, Carl) Modified on 5/10/2010 to correct linkage (rdj). (Entered: 05/06/2010)
05/07/2010	<a href="#"><u>2</u></a> <a href="#"><u>2</u></a>	REPLY to opposition to motion re <a href="#"><u>16</u></a> MOTION for Summary Judgment filed by BROADCASTING BOARD OF GOVERNORS. (Ross, Carl) (Entered: 05/07/2010)
05/20/2010	<a href="#"><u>2</u></a> <a href="#"><u>3</u></a>	REPLY to opposition to motion re <a href="#"><u>18</u></a> Cross MOTION for Summary Judgment filed by NATIONAL COMMITTEE TO FREE THE CUBAN FIVE. (Miller, Radhika) (Entered: 05/20/2010)
09/10/2010	<a href="#"><u>2</u></a> <a href="#"><u>4</u></a>	MEMORANDUM OPINION. Signed by Judge Rosemary M. Collyer on 9/10/10. (lcrmc1) (Entered: 09/10/2010)
09/10/2010	<a href="#"><u>2</u></a> <a href="#"><u>5</u></a>	ORDER denying <a href="#"><u>18</u></a> Plaintiff's Cross-Motion for Summary Judgment; treating <a href="#"><u>18</u></a> Defendant's Motion for Summary Judgment as a Motion to Dismiss, and granting that motion. This case is dismissed, without prejudice. See attached Order and <a href="#"><u>24</u></a> Memorandum Opinion for further details. Signed by Judge Rosemary M. Collyer on 9/10/10. (lcrmc1) (Entered: 09/10/2010)

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